

AMENDED IN ASSEMBLY MAY 10, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 1178**

---

**Introduced by Assembly Member Ma  
(Coauthor: Assembly Member Cedillo)**

February 18, 2011

---

An act to amend Sections 40002, 40900.1, and 41903 of the Public Resources Code, relating to solid waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1178, as amended, Ma. Solid waste: place of origin.

Existing law authorizes a city or county to assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

~~This bill would also authorize a local agency to assess those special fees. The bill would prohibit a city, or county, or local agency from otherwise restricting or limiting in any way the importation of solid waste into that city or county based on place of origin because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern, except as specified with regard to solid waste facilities or the local land use authority.~~

~~Existing law prohibits a city or county from exporting solid waste to any other jurisdiction unless the exporting city or county has implemented an approved city or county household hazardous waste element and a source reduction and recycling element, or has submitted a countywide integrated waste management plan, with which it is in compliance.~~

~~This bill would also apply that prohibition to a local agency. The bill would make related changes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 40002 of the Public Resources Code is  
2 amended to read:

3 40002. (a) As an essential part of the state's comprehensive  
4 program for solid waste management, and for the preservation of  
5 health and safety, and the well-being of the public, the Legislature  
6 declares that it is in the public interest for the state, as sovereign,  
7 to authorize and require local agencies, as subdivisions of the state,  
8 to make adequate provision for solid waste handling, both within  
9 their respective jurisdictions and in response to regional needs  
10 consistent with the policies, standards, and requirements of this  
11 division and all regulations adopted pursuant to this division. The  
12 provisions of this division which authorize and require local  
13 agencies to provide adequate solid waste handling and services,  
14 and the actions of local agencies taken pursuant thereto, are  
15 intended to implement this state policy.

16 (b) The Legislature further declares that restrictions on the  
17 disposal of solid waste that discriminate on the basis of the place  
18 of origin of the waste are an obstacle to, and conflict with,  
19 statewide and regional policies to ensure adequate and appropriate  
20 capacity for solid waste disposal.

21 SEC. 2. Section 40900.1 of the Public Resources Code is  
22 amended to read:

23 40900.1. The Legislature hereby further finds and declares all  
24 of the following:

25 (a) It is important to encourage state agencies to plan and  
26 implement programs that will reduce the amount of solid waste  
27 going to disposal facilities through source reduction, recycling,  
28 and composting.

29 (b) Local agencies, other than a host jurisdiction, and federal  
30 agencies should be encouraged to plan and implement programs  
31 that will reduce the amount of solid waste going to disposal  
32 facilities through source reduction, recycling, and composting.

(c) Each state agency shall, to the extent feasible and within existing budgetary constraints, develop and implement source reduction, recycling, and composting programs that will reduce the amount of solid waste going to disposal facilities. Those programs shall be consistent with Executive Order W-7-91, which ordered state agencies to establish recycling programs, reduce paper waste, purchase recycled products, and implement measures that minimize the generation of waste.

(d) Local, state, and federal agencies generating solid waste that is sent to a host jurisdiction for disposal should be encouraged to provide the host jurisdiction with information on the amount of solid waste and regarding any solid waste source reduction, recycling, or composting programs that have been implemented by the agency, to assist the host jurisdiction in developing and implementing the planning requirements of this division.

(e) Restrictions or limits on the importation of solid waste based on the place of origin are not aspects of solid waste handling subject to local government determination because they unreasonably limit the disposal of solid waste.

SEC. 3. Section 41903 of the Public Resources Code is amended to read:

41903. (a) ~~A city, county, or local agency~~ *or county* may assess special fees of a reasonable amount on the importation of waste from outside of the county to publicly owned or privately owned facilities.

~~(b) A city, county, or local agency~~ *(1) A city or county* may not otherwise restrict or limit in any way the importation of solid waste into that city ~~or county based on the place of origin, because ensuring adequate and appropriate capacity for disposal of solid waste is a matter of state and regional concern.~~ *county based on the place of origin.*

*(2) Paragraph (1) does not do any of the following:*

*(A) Restrict a publicly owned solid waste facility from limiting or restricting its acceptance of solid waste from outside the jurisdiction of the public agency that owns the facility.*

*(B) Require a privately owned solid waste facility or privately operated solid waste facility to accept solid waste from outside the city or county where the facility is located.*

1 (C) Prevent a city or county from exercising its land use  
2 authority, including making a zoning, permitting, or other land  
3 use determination.

4 (c) A city, ~~county, or local agency~~ or county shall not export  
5 solid waste to any other jurisdiction unless the exporting city or  
6 county has done either of the following:

7 (1) Implemented, within one year following the date when the  
8 countywide integrated waste management plan is required to be  
9 submitted to the department pursuant to subdivision (a) or (b) of  
10 Section 41791, or a later date established or permitted by the  
11 department, both an approved city or county household hazardous  
12 waste element and a source reduction and recycling element.

13 (2) Submitted a countywide integrated waste management plan,  
14 with which it is in compliance.

15 (d) Notwithstanding subdivision (c), until one year following  
16 the date when the countywide integrated waste management plan  
17 is required to be submitted to the department pursuant to  
18 subdivision (a) or (b) of Section 41791, or a later date established  
19 by the department, nothing in this section shall be construed as  
20 prohibiting the export of solid waste.

21 (e) The department may waive the requirements of subdivision  
22 (c) if the department determines that all additional reasonable  
23 source reduction and recycling programs are being implemented  
24 in the city or county or if the department determines that the system  
25 to export waste supports or enhances the city or county source  
26 recovery and recycling element.